

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13450, of Morelite Construction, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot area and width requirements (Sub-section 3301.1) to construct a row dwelling on each of the subject premises in an R-4 District at the premises 1300 and 1302 E Street, N.E., (Square 1029, Lots 67 and 68).

HEARING DATE: March 18, 1981  
DECISION DATE: April 1, 1981

FINDINGS OF FACT:

1. At the public hearing of March 18, 1981, the application was placed on the preliminary calendar. Under Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA, the applicant must post a notice of the hearing on the subject property at least ten days before the scheduled public hearing. The affidavit of posting evidenced that the property was posted seven days. The applicant testified that the property had in fact been posted ten days, but that he had inserted the wrong date of posting on his affidavit. The Board ruled to hear the application.
2. The subject site is located at the northeast corner of the intersection of 13th and E Streets and is known as 1300 and 1302 E Street, N.E. It is in an R-4 District.
3. Each of the subject lots is seventeen feet wide and seventy feet deep. A ten foot public alley is located to the rear of the site with entrance from 13th Street. The subject lots are vacant.
4. Approximately six years ago, the applicant purchased from the D.C. Redevelopment Land Agency fifty sites in the subject neighborhood to be developed. The subject two lots were part of that group. Forty-eight of the lots have been developed. The subject two lots are the last on which homes will be constructed.
5. The applicant proposes to construct on each lot a two bedroom and den, one and one half bathrooms row dwelling that will be sold in fee simple. Parking will be provided in the rear of the site.

6. The R-4 District requires a minimum lot area of 1800 square feet and a minimum lot width of eighteen feet. The applicant seeks a lot area variance of 610 square feet and a lot width variance of one foot. If the applicant were to conform to the eighteen foot lot width it would then need a variance from the side yard requirements for the proposed semi-detached dwelling on lot 68.

7. The subject lots are wider than those in the immediate area, which widths measure sixteen feet and less. The depths of the houses in the immediate area are the same.

8. The row dwelling to be constructed on lot 67 will share a common masonry wall with the adjoining row house, 1304 E Street, N.E.

9. The owner of the property at 1304 E Street testified at the public hearing that she would be pleased to have houses built on the subject lot since they are now filled with trash and rubbish. She further complained that the applicant's truck is filled with rubbish and has been parked in front of her home for nine months and, in spite of all her calls and meetings with the applicant, the truck has not been removed. There was also a letter of record in favor of the application on the grounds that the lots are now used as a trash dump and the resulting condition is unbearable.

10. The Capitol Hill Restoration Society by letter of March 17, 1981, recommended that the application be approved on the grounds that the Society believes that this case presents the type of extraordinary conditions resulting in exceptional hardship and practical difficulties contemplated under Section 8207.11. Without a variance, the property could not be used for construction of a row dwelling, since the existing lots do not meet the lot area and width requirements. Because the applicant seeks to build the kind of housing appropriate for an R-4 zone and because the applicant cannot reasonably use his property in the manner intended by the Zoning Regulations unless the variances are granted, the Society supported this application. The Board so finds.

11. The applicant was directed by the Board to clean up the lots and remove the truck from in front of 1304 E Street and to submit photographs evidencing same prior to the Board's decision meeting of April 1, 1981. The applicant conformed.

12. Advisory Neighborhood Commission - 6A made no recommendation on the application.

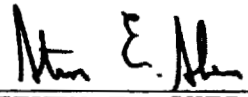
CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing of a practical difficulty that is inherent in the property itself. The Board concludes that the practical difficulty exists. The subject lots are lots of record. They are undersized as are other lots in the immediate neighborhood which are now improved with dwellings. The construction will provide much needed residential dwellings and will eradicate the present eyesore in a residential neighborhood. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the lot shall be kept free of trash and debris until construction on the site commences.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Connie Fortune to GRANT; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

**16 JUL 1981**

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.